

OGC HAS REVIEWED.

26 May 1955

MEMORANDUM FOR: The Record

SUBJECT : Storage in Lieu of Transportation of
Household and Personal Effects at
Option of the Employee

1. Under existing statutory authorities, [REDACTED]

[REDACTED] section 911(4) of the Foreign Service Act of 1947, and as both of these statutes are carried into [REDACTED] the Government may pay for the storage of the household and personal effects of an employee stationed overseas only if he is (a) on temporary duty away from his usual post of duty or (b) he is assigned to an emergency area to which he cannot take, or cannot use, such effects. [REDACTED]

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2. This dispensation may be changed pursuant to Title I of Public Law 471, 83rd Congress, 2nd Session (68 Stat. 413, U.S.C.A. (1954)). The first few lines of this statute read as follows:

"For necessary expenses of the Department of State not otherwise provided for, including the cost of transporting to and from a place of storage and the cost of storing the furniture and household and personal effects of an employee of the foreign service who is assigned to a post at which he is unable to use his furniture and effects, under such regulations as the Secretary may prescribe . . ."

Recently a problem came over my desk which posed the question of whether or not the Agency could store the effects of an overseas person solely on the basis of that person not desiring to have his effects shipped to him. In support of the contention that storage should be paid, it was offered that the cost of the storage was considerably less than the cost of the transportation. I posed the problem to GAO (Pat Friend). He was of the opinion that storage could not be accomplished under these circumstances or for this reason. I also talked with the transportation people at State. They said that, while the problem had not specifically come up it was possible that, under the wording of Public Law 471 set out above, storage at Government expense possibly could be accomplished on the ground of a saving to the Government. However, they would not take a firm position on the matter. I indicated to them that the word "unable" as used in the statute would seem to indicate that the old dispensation had not been

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changed i.e., that there must subsist an inability to either use or take the effects rather than either the desire not to have them on the part of the employee or a saving to the Government involved in storing rather than shipping. They said that they might be inclined to interpret the word "unable" somewhat loosely so as to relate not only to a disability, but also to an option, on the part of the employee. But, again, they only hypothesized as regards any future interpretation to be given the statute and would not take a final position.

3. Should the problem arise again, the attorney concerned might well check with State to see what attitude they have taken. Should State issue a regulation authorizing this type of storage in question, then we could adopt the regulation pursuant to the authority set out in [REDACTED] dated 27 November 1953.

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[REDACTED]

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